

Subject: Re: CPRA request (DCBID.2019.12.30.a)

From: [REDACTED]

Date: 1/18/20, 4:48 PM

To: "Steph Bernstein" <sbernstein@downtownla.com>, "Suzanne Holley" <sholley@downtownla.com>

Hi Ms. Bernstein,

The law requires your organization to allow me to make copies of records using any means that doesn't make contact with the records. The computer itself is not, obviously, the records it contains as, the proverb tells us, the map is not the geography. There is no such thing as a means of copying records that makes contact with the records. Therefore the law clearly requires you to allow me to copy the records onto a USB drive or, alternatively, to a remote location via the internet. Please confirm that this is your understanding as well.

Now, not that I think you all are predictable or anything, but I have a feeling you might be planning to respond to this claim by invoking section 6253(d)(1)(B). Such a response will fail. You will note that that exception to the general rule stated in 6253(d)(1) applies only when the means "would result" in the dire consequences listed there. It's just false to claim that copying records onto a USB drive or over the internet would result in those things. Also note that the legislative history of the bill that added this language to the section makes it very clear that this is the legislature's intent.

[REDACTED]

On Fri, Jan 17, 2020, at 3:22 PM, Steph Bernstein wrote:

[REDACTED]

Happy new year to you as well.

You are more than welcome to come in and make your own copies of the responsive records, subject to disclosure, at a mutually agreed upon time the week of January 20th. We will provide you with access to a computer with which you may use to inspect the responsive records. You may use your own equipment, such as a mobile phone or camera, to photograph and/or video record the given records.

We initially stated one of the deposition transcripts contains material that is exempt from disclosure under the California Public Records Act pursuant to California Government Code §§ 6254, 6255, as constituting confidential information that invades the right to privacy and has no relationship to BID business. Upon further inspection, we have determined a second deposition transcript contains material that is exempt under the California Public Records Act pursuant to California Government Code §§ 6254, 6255, as constituting personnel/employment information and personal privacy information where the public interest in non-disclosure clearly outweighs the public interest in disclosure. Exempt material from both of these deposition transcripts has been redacted.

Let us know if a time during one of the following windows will work for